

DRAFT
CITY COUNCIL RESOLUTION NO.-----
SITE DEVELOPMENT PERMIT RESOLUTION
ADOPTED ON -----

WHEREAS, the Zoological Society of San Diego, Project Builder, filed an application with the City of San Diego for a Site Development Permit (SDP 48083) to construct the Park Boulevard Promenade Project, located west of Park Boulevard in the Central Mesa Precise Plan area of Balboa Park; and

WHEREAS, on January 15, 2004, the Planning Commission of the City of San Diego considered Site Development Permit No. 48083 and voted to recommend City Council approval of the Site Development Permit; and

WHEREAS, the matter was set for public hearing on April 13, 2004, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Diego, that this Council adopts the following findings with respect to Site Development Permit No. 48083:

1. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN.

The proposed Park Boulevard Promenade Project ("Project") is located near the center of Balboa Park ("Park") and lies within and is subject to the Balboa Park Master Plan ("Master Plan") and the Central Mesa Precise Plan ("Precise Plan"). With the adoption of the proposed amendments to the Master Plan and Precise Plan, the Project would not result in a land use which is inconsistent with the adopted plan designations for the site or conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.

The Project is consistent with the goals, policies and recommendations set forth in the Master Plan and the Precise Plan including: (I) improving internal circulation, avoiding automobile and pedestrian conflicts and creating a pedestrian-oriented environment; (ii) preserving and increasing free and open parkland; (iii) preserving and expanding recreational opportunities in the Park; and (iv) preserving and protecting historical resources in the Park.

The Project would not result in a conflict with applicable goals, policies and recommendations relating to circulation movements, including impacts on existing vehicular access and internal circulation, pedestrian circulation and public transit within the Park. Project-related alterations to the internal circulation of the Park would be consistent with the Master Plan goals of making the Park a more pedestrian-orientated environment, reducing automobile and pedestrian conflicts and minimizing through

traffic. The Project would also be consistent with the Precise Plan with regard to the goals for pedestrian circulation and would improve the pedestrian connection on the west side of Park Boulevard through the provision of a greenbelt and a meandering walkway. The Project would increase transit accessibility to the Park by accommodating alternative transportation at the transportation center in the parking structure.

With respect to free and open parkland, the Project would not result in a conflict with the goals, policies and recommendations of the Master Plan or Precise Plan. The Project would result in a net increase of free and open parkland and would not affect accessibility to other adjacent open public parkland. Consequently, the Project would be consistent with the Master Plan goal of preserving, enhancing and increasing free and open parkland.

With respect to recreational resources, the Project would not result in a conflict with the goals, policies and recommendations of the Master Plan or Precise Plan. The Project includes the development of numerous recreational resources, including: the Zoo; Miniature Train; Carousel; new Park Boulevard greenbelt, and useable public open space, such as lawns and plazas which would be consistent with the Master Plan goal of preserving and enhancing active and passive recreational uses in the Park.

With respect to historical resources, the Project would not result in significant impacts to the National Historic Landmark ("NHL") buildings and structures. The proposed project does not propose any changes to NHL properties save to implement reopening former entrances into Spanish Village - recommendations already in the Precise Plan. A portion of the proposed promenade and the western terminus of the relocated pedestrian bridge would be located within the NHL boundary. However, there would be no direct or indirect impacts, because the design, feeling, setting, and location of the proposed promenade would conform to the National Park Service guidelines for new construction within National Historic Landmarks and the U.S. Secretary of Interior's Standards for the Treatment of Historic Properties, Standards for Rehabilitation. The Project would affect two - the Carousel and Miniature Train, and would have the potential to result in a significant impact to these Historical Resources. However, such impacts are mitigated to below a level of significance through implementation of required mitigation measures called for in the EIR and through compliance with the City's Historical Resources Regulations. Consequently, the Project is consistent with the Master Plan policy of preserving, maintaining and enhancing contributing elements to the local and national historic resources .

Therefore, the Project would not result in a conflict with or adversely impact the relevant goals, policies and recommendations of the Master Plan and Precise Plan.

2. THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE.

The effect of the Project is to improve vehicular and pedestrian circulation and access to the Park and to enhance recreational resources in the Park. The Project will improve

public health and safety by improving internal circulation in the Park, reducing automobile and pedestrian conflicts and improving vehicular access. According to the City's Police and Fire Departments, current police and fire protection in the Park area would be adequate to serve the proposed project, and no additional police or fire services would be required. Therefore, no significant impact to public services would occur from the proposed project. In addition, all Uniform Building, Fire, Plumbing, Electrical and Mechanical Codes and City, state and federal regulations governing the construction and continued operation of development apply to this Project to prevent adverse affects to those persons or properties in the vicinity.

Therefore, the Project and proposed development will not be detrimental to the public health, safety and welfare.

3. THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE APPLICABLE REGULATIONS OF THE LAND DEVELOPMENT CODE.

The Project will comply with all applicable regulations of the Land Development Code, including the Historical Resources Regulations. The Historical Resources Regulations would apply to the relocation of the Carousel and the Miniature Train, as well as, the portions of the proposed project located within the designated National Historic Landmark Boundary.. As described in Section 143.0251(c) of the Historical Resources Regulations, development affecting designated historical resources or historical districts shall, as a condition of the project approval, provide full mitigation for the impact to the resource, in accordance with the Historical Resources Guidelines of the Land Development Code. As stated above, all potential impacts to historical resources are mitigated to below a level of significance through implementation of required mitigation measures, which are required as conditions of approval for the Project. Moreover, the existing and proposed uses are consistent with the Land Development Code provisions pertaining to publicly dedicated parkland which is designated as an Open Space–Park ("OP") zone. The operation of zoological gardens (as a primary use) and public parking facilities (as an accessory or incidental use) are allowable uses within the OP zone designation. Finally, although there are no specific standards set forth in the Land Development Code with respect to land designated as an OP zone, the Project incorporates height, building scale and setback requirements.

Therefore, the Project and proposed development will comply with the applicable regulations of the Land Development Code.

WHEREAS, THIS COUNCIL ADOPTS THE FOLLOWING SUPPLEMENTAL FINDING.

SUPPLEMENTAL SITE DEVELOPMENT PERMIT FINDINGS FOR RELOCATION OF DESIGNATED HISTORICAL RESOURCES – LDC SECTION 126.0504 (h).

1. THERE ARE NO FEASIBLE MEASURES, INCLUDING MAINTAINING THE RESOURCE ON SITE, THAT FURTHER MINIMIZE THE POTENTIAL ADVERSE AFFECTS ON HISTORICAL RESOURCES.

There are no feasible measures that can further minimize the potential adverse affects on the Carousel and Miniature Train through their relocation. Relocating the resources would, in fact, result in their complete documentation, repair and restoration through implementation of the required Mitigation, Monitoring and Reporting Program. Maintaining the resources on site would significantly reduce the ability of the project to provide the number of parking spaces required as a result of the conversion of the existing zoo parking lot to exhibit space and access/egress to the parking garage could not be taken at the Park Boulevard/Zoo Place intersection. This would have other potential transportation, circulation and land use conflicts with the existing Balboa Park Master Plan. Alternative parking garage locations analyzed in the Environmental Impact Report were found to be unreasonable and/or infeasible because of the potential adverse impacts to transportation/circulation, land use conflicts, and other historic resources such as the War Memorial Building.

2. THE PROPOSED RELOCATION WILL NOT DESTROY THE HISTORICAL, CULTURAL, OR ARCHITECTURAL VALUES OF THE HISTORICAL RESOURCE, AND THE RELOCATION IS PART OF A DEFINITIVE SERIES OF ACTIONS THAT WILL ASSURE THE PRESERVATION OF THE DESIGNATED HISTORICAL RESOURCES.

The Carousel and the Miniature Train are locally designated historic resources but are not within, nor do they contribute to, the National Historic Landmark status of the Park, and they would not be relocated within the existing NHL boundary. Neither resource was built or installed in the Park within the period of significance of the Landmark. Thus, relocating the Carousel and Miniature Train would not diminish the overall historic character of the Park.

Relocating the Carousel and Miniature Train would result in their complete documentation and restoration through implementation of the required Mitigation, Monitoring and Reporting Program. Thus their relocation will result in a series of actions that will assure the preservation of the resources. The relocation will not destroy the historical, cultural or architectural values of the Carousel and Miniature Train.

Carousels are designed to be moved and this one has already been relocated at least three times.

With regard to a property that is designed to move or has been frequently moved during its historic use, the National Park Service recommends that the property must be located in a historically appropriate setting, retaining its integrity of setting, design, feeling, and association.

The Carousel would be moved approximately 300 feet southwest, adjacent to the Spanish Village. The proposed new location would enhance the setting, design, feeling, and association within Balboa Park by providing a more formally landscaped environment for the ride. The Carousel would remain in the same general location within Balboa Park that has been familiar to San Diegans for the last 36 years. The new location would be somewhat more intimate with closer proximity to landscaping and the exterior facade of Spanish Village than currently exists. This would change the ability to view the barn at a distance, but the setting of the enclosed Carousel itself would not change. It would also become a more integral part of the Balboa Park experience by its proximity to the major pedestrian access way that would be the proposed Park Boulevard Promenade. The experience of the ride would change little because the Carousel operates within the barn-like structure. The Carousel and ticket booth would be preserved in the same orientation to each other in their new locations as in their existing location. Although the outer housing has been modified in the past, the current appearance of the outer housing would also be reproduced in the new location. The integrity of setting, design, feeling, and association would be retained at the new location.

With regards to the miniature train, the project would move the train to the north of Zoo Place along the west side of Park Boulevard. Relocation would have an impact on the location, setting and feeling of the resource. However, the integrity of the train's design, setting and feeling has been altered over time with changes to the alignment, landscaping, physical appearance and hardware. Project mitigation includes; landscaping at the new location to approximate the park-like feeling and setting; documentation of the existing layout, landscaping plan and appearance, and signage; incorporation of original ride elements into the new location design including a tunnel and viewing opportunities to watch and photograph passengers. With these mitigation measures, the new location of the train will have a similar design, setting and feeling as the historic location. The train will also continue its historical function of providing an active recreational amenity within Balboa Park.

3. THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS APART FROM THE EXISTENCE OF HISTORICAL RESOURCES, APPLYING TO THE LAND THAT ARE PECULIAR TO THE LAND AND ARE NOT OF THE APPLICANT'S MAKING, WHEREBY THE STRICT APPLICATION OF THE PROVISIONS OF THE HISTORICAL RESOURCES REGULATIONS WOULD DEPRIVE THE PROPERTY OWNER OF REASONABLE USE OF THE LAND.

The special circumstance that applies in this instance is that the project is located on public land in the city's most significant and historic park. Due to the public nature of the park, the nature and restrictions on siting development in the park and lease arrangements within the park are special circumstances applying to the land which are not of the applicants making.

Any determination of the reasonable use of the land in Balboa Park is a public policy issue undertaken by the City Council with full knowledge and public disclosure of the issues, trade-offs, necessary regulations, mitigation measures and need to protect public

historic resources. Additionally, there is limited land available in Balboa Park and the Master Plan and Precise Plan establish public policy restrictions on development within the Park.

Because the Zoological Society wishes to expand the area that is used for exhibiting animals by converting the majority of the existing zoo parking lot (their lease area) into exhibit space, this creates a requirement to address both the parking needs of the Zoo and other Park institutions. To address these needs, the City Council must approve amendments to the Master Plan and Precise Plan in order to provide the appropriate policy guidance as to how this replacement parking is to be sited, designed and developed.

Since the construction of the Park Boulevard Promenade Project will address other significant goals and recommendations of the Master Plan and Precise Plan, as well as, result in the restoration and long term preservation of the Carousel and Miniature Train, not allowing the relocation of the two locally designated resources further forecloses the options and alternatives available to the City Council to address a major public policy issue and can be construed to deprive the City of the reasonable use of the land.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Site Development Permit No. 48083 is granted to the Zoological Society of San Diego Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By _____

Deputy City Attorney